

REMARKS

This Amendment supplements applicant's Amendment of September 14, 2009.

It should be noted that the Amendment of September 14, 2009 was a complete response to the Office Action of June 15, 2009.

This Amendment follows a November 5, 2009 interview with Examiner Chang which included a discussion of the independent article claim 14 that is now cancelled.

During applicant's interview with the Examiner, the Examiner characterized claim 14 as a product by process claim and stated that such claim would not be allowable under the provisions of MPEP §2113.

The Examiner argued the word "mould" could be defined as "something that is made in or shaped on a mould", and that an outside coating on an article could be interpreted as being shaped on a mould. The Examiner thus stated that the use of U.S. patent 6,639,236 to Low et al combined with U.S. patent 7,425,195 to Wissman et al justified a rejection of claim 14 under 35 USC §103(a).

Applicant has thus submitted a new independent claim 29 which is believed to more clearly define the storage container in a manner that clearly distinguishes over Low et al and Wissman et al.

For example claim 29 requires that,

"...the integral outer container part...injection moulded onto the outside of the inter-space container part when the inter-space container part is fitted onto the outside of the inner container part to form an outside moulded surface of the integral outer container part."

There is nothing Low et al and Wissman et al that shows or suggest an over moulded outer container part that is moulded within a mould cavity onto the outside inner container parts. Furthermore there is nothing in

Low et al and Wissman et al that shows or suggests an outer surface of a storage container that is a moulded surface.

Low et al shows an outside epoxy resin 9 that is applied as a coating onto the layer of lead 7 (col. 3, lines 53-54). Thus there is no showing or suggestion in Low et al of an over moulding of an outer container part onto an inner container part.

Wissman et al shows an outer member 30 that is formed independently of the inner member 32. There is no moulding of the outer member 30 onto the inner member 32. Thus there is no showing or suggestion in Wissman et al of an over moulding of an outer container part onto an inner container part.

Furthermore the combination of Low et al and Wissman et al does not add any teachings which would show or suggest the over moulding of an outside container part on an inner container part such that the outside container surface is a moulded surface.

Applicant further submits that claim 29 is not a product by process claim but defines a container with three container parts. Claim 29 requires that the outer container part be injection moulded to support a structural limitation that the outer surface of the outer container part is a moulded surface.

The advantage of the claim 29 structure is that the storage container with the over moulded outer container part can be mass produced as a consistently uniform structure. The combination of Low et al and Wissman et al teaches manual or mechanical coating or electroplating to provide an outer member. This is an expensive process that can lead to nonuniform outside surfaces when articles are manufactured in quantity.

It is thus submitted that claim 29 is allowable and allowance thereof is respectfully requested.

Claims 15, 19 and 21 which depend on claim 29 are likewise submitted as allowable for the reasons supporting allowance of claim 29 as well as the distinctions defined therein. Allowance of claims 15, 19 and 21 is thus respectfully requested.

The Examiner acknowledged at the November 5, 2009 telephone interview that claims 1-7, 9-13 and 23-28 are allowable and are not at issue. Allowable claim 4 has been further limited to polyethylene material.

In view of the foregoing remarks and amendments it is submitted that this application is in condition for allowance and allowance thereof is respectfully requested.

Dated: November 9, 2009
RODMAN & RODMAN
10 Stewart Place – Suite 2CE
White Plains, New York 10603

Telephone: (914) 949-7210
Facsimile: (914) 993-0668
1134-13-Amendment

Respectfully submitted,
/Philip Rodman/

Philip Rodman Reg. No. 25,704
Attorney For Applicant